

S/N 10/674,112

Response to Office Action Dated 09/13/2005

REMARKS

The Office Action dated 09/13/2005 requires Applicant to elect one of four (4) groups of claims, i.e., Groups I, II, III and IV. In particular, the Office Action of contained an election/restriction requirement wherein the following was applied:

5 I) Claims 1—12, drawn to an ink drying system for a printer, classified in class 347, subclass 102

 II) Claims 13—19 and 34—37, drawn to a processor readable medium, classified in class 347, subclass 16.

 III) Claims 20—28, drawn to a print system, classified in class 347, subclass 10 14.

 IV) Claims 29—33, drawn to a method of drying ink, classified in class 347, subclass 19.

The Applicant hereby elects Group I, which includes claims 1—12. However, this election is made with traverse for the following reasons.

15 M.P.E.P. § 803 states that an application may be properly restricted only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application. As will be 20 seen in greater detail below, patent searching and claim examination of the four groups could be performed simultaneously with only marginal extra effort.

The searches involved for all four claim groups would substantially overlap. All claims are in class 347, and appear to reside in different subclasses due in large part to their different preambles. Evidence of the claims similarity, for purposes of patent search

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and examination, is easily found. For instance, by examining the five claim sets present in the instant application, we can see that all claim sets include aspects of IR energy use in drying ink (see claims 1, 13, 20, 29 and 34).

5 In particular, the similarities between Group I and Group II is such that patent searching and patent examination is very similar. Claim 1 recites "a controller procedure to control operation of the IR heating element," while claims 13 and 34 recite processor readable media comprising instructions for "operating an IR lamp." *It is difficult to understand how the "controller procedure" of claim 1, which controls the operation of the IR heating element, and the instructions for operating an IR heating lamp of claims 10 13 and 34 are so diverse as to require restriction.* Therefore, at the least, the Applicant earnestly suggests that the restriction of Groups I and II is improper, and that the claims of the groups combined for examination.

Groups III and IV are also very closely related, covering aspects of drying printer ink using IR in combination with many aspects that are similar to claims in Group I. In a 15 first example, claim 7 of Group I recites a "light pipe," as does claim 26 of Group III and claim 33 of Group IV. In a second example, claim 2 of Group I recites "humidity and temperature," which is also seen in claims 20 and 34 of Groups III and IV, respectively. In a third example, claims 1, 13, 20 and 29, *i.e. base claims within all Groups, I—IV, include recitation of the "guide" used to direct IR energy to dry the ink on print media.* 20 Thus, it can be seen that all claims share many aspects in common, and search and examination of all four groups is not burdensome. In particular, the Applicant earnestly suggests that Groups I and II be combined.

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The Examiner is urged to contact the undersigned if any issues remain unresolved
by this Response.

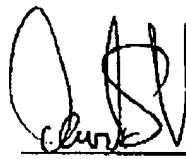
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Respectfully Submitted,

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